



MAY 11 2006

PATENT & TRADEMARK OFFICE
I hereby verify that this correspondence is being deposited with the United States Postal Service as first class mail
envelope addressed to: Mail Stop Notice of Appeal, Commissioner for Patents, P.O. Box 1450 Alexandria, VA
22313-1450; on

MAY 8, 2006

Date

MARK Bourgeois

Typed or Printed Name of Person Mailing Paper or Fee

Signature

Date of Signature

5/8/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial no.: 09/944,932
Filing date: 08/31/2001
For: Euphorbia Plant named 'Charam'
Inventor: Tickner
Atty. Docket no.: PH39
Group Art Unit: 1661
Examiner: Para
Confirmation No.: 2267

Request for Re-Instatement of Notice of Appeal

This is in response to the final office action dated February 24, 2006. Applicant hereby submits the enclosed Notice of Appeal to the Board of Patent Appeals and Interferences.

Since a notice of appeal was previously submitted with a large entity fee of \$320 and the present large entity fee is \$500, the Commissioner is authorized to charge the difference between the previously paid fee and the current fee of \$180 to Deposit Account number 50-2485.

Respectfully submitted,

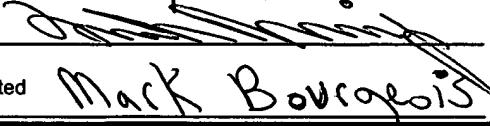
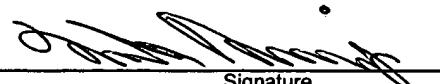
Mark P. Bourgeois
Reg. No. 37,782



PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) <i>PH39</i>
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>MAY 8, 2006</u></p> <p>Signature </p> <p>Typed or printed name <u>Mark Bourgois</u></p>		<p>In re Application of <u>Tickner</u></p> <p>Application Number <u>09/944,932</u> Filed <u>8/31/2001</u></p> <p>For <u>Euphorbia Chrysanthemoides</u></p> <p>Art Unit <u>1661</u> Examiner <u>PARA</u></p>
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))</p> <p><i>180 Fee Difference From Previously Paid Fee</i></p>		
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ _____</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>_____</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>		
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,782</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>_____</u></p>		
<p>Signature  <u>Mark Bourgois</u> Typed or printed name</p> <p><u>574-522-7996</u> Telephone number</p> <p><u>5/8/2006</u> Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>		

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 05/12/2006 FMETEK11
05/28/2003 KZEWIDIE 00000138 09944932
01 FC:1401 -320.00 OP